

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

November 19, 2007

In the Matter of
Atlantic Realty Trust

Docket No. 2007-132
DEP File No. UAO-SE-07-6W001
Westport, MA

FINAL DECISION

The Petitioner Theresa L. Devine, Trustee of the Atlantic Avenue Realty Trust filed this appeal challenging a Unilateral Administrative Order (“UAO”) that the Southeast Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued to the Petitioner on July 25, 2007 alleging violations of the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40, in connection with the petitioner’s use of the residential property at 42 Atlantic Avenue, Westport, Massachusetts (“the Site”). The Petitioner denied MassDEP’s allegations.

On November 9, 2007, the Petitioner and MassDEP filed a Joint Stipulation of Dismissal pursuant to 310 CMR 1.01(11)(d)1 stipulating to a voluntary dismissal of this appeal. The Joint Stipulation of Dismissal states that the “stipulation shall not constitute an admission of fact or



fault by either party nor have any preclusive effect as to any issue of fact or law.”

The Joint Stipulation of Dismissal constitutes a waiver to any further administrative review before the Department as well as appeal to court of the UAO that the Petitioner appealed in this case. The Joint Stipulation of Dismissal also constitutes a request by the parties that this appeal be dismissed without prejudice. Accordingly, the Department issues this Final Decision incorporating the Joint Stipulation of Dismissal, and dismisses this appeal without prejudice.

Date: _____

Laurie Burt
Commissioner

SERVICE LIST

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Docket No. 2007-135

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Westport

Representative

Party

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DEPARTMENT

Cc:

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DEPARTMENT

Date: November 14, 2007